

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8170 of 2021

1. Mukesh Kumar Thakur S/o Uday Singh Thakur, Aged About 32 Years, R/o Chhote Birejhar, Police Station Ghumka, District Rajnandgaon (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Ghumka, District Rajnandgaon (C.G.).

---- Non-Applicant

For Applicant : Mr. Dharmesh Shrivastava, Advocate.
For Non-Applicant/State : Dr. (Ms.) Veena Nair, Dy. Advocate General.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

24/11/2021

- 1) This is the **Second Bail Application** filed by the applicant under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. First Bail Application i.e. MCRC No. 9302/2021 was dismissed for want of prosecution vide order dated 01/02/2021.
- 2) The applicant is in jail since 04/06/2019 in connection with Crime No. 90/2019 registered at Police Station Ghumka, District Rajnandgaon (C.G.) for the offence under Section 302 of Indian Penal Code.
- 3) Allegation against the present applicant is that on 31/05/2019 he assaulted his wife Lalita Thakur with club and throttled her to death. On report being lodged to the above effect, offence has been registered against the present applicant.
- 4) Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. He submits that most of the material witnesses have been examined

before the Trial Court and have turned hostile. The Medical evidence is also at variance with the evidence of the prosecution witnesses. He submits that the applicant is in jail since 04/06/2019 and conclusion of the trial is likely to take some time. Therefore, the present applicant be released on bail.

- 5) On the other hand, learned counsel for the State opposes the bail application.
- 6) I have heard the learned counsel appearing for the parties.
- 7) Considering the facts and circumstances of the case, the gravity of offence, the fact that 12 witnesses out of 34 have already been examined before the Trial Court, the trial is in progress, the material witnesses are yet to be examined before the Trial Court, the death of the deceased, who was applicant's wife, was due to head injury and strangulation, it was homicidal in nature as per postmortem report, the other material available with charge sheet, the evidence so far recorded before the Trial Court cannot be appreciated by this Court at this stage, without commenting anything on merits of the case, this Court is not inclined to release the applicant on bail. Accordingly, the application is **rejected**. However, the Trial Court is directed to expedite the trial and conclude the same as early as possible.

-Sd/-
(Gautam Chourdiya)
Judge